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EXAMINER

CRANFORD, MICHAEL D

ART UNIT

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4143

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/646,579	Applicant(s) BAM ET AL.	
	Examiner MICHAEL D. CRANFORD	Art Unit 4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 22-36, 42-46 and 52-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/22/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/15/2003, 6/24/2004, 9/13/2005, 4/17/2006.

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 22 August 2003, and subsequent restriction election on 07 March 2008.
2. Claims 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56 have been elected.
3. Claims 5-8, 22-36, 42-46, and 52-54 have been withdrawn from consideration.
4. Claims 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56 are currently pending and have been examined.

Information Disclosure Statement

5. The Information Disclosure Statements filed 15 September 2003, 24 June 2004, 13 September 2005 and 17 April 2006 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Election/Restrictions

6. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56, drawn to point of sale terminal with a temporary connection, classified in class 705, subclass 64.
 - II. Claims 5-8 and 42-46, drawn to an online transaction system, classified in class 705, subclass 26.
 - III. Claims 22-36, drawn to a user Id authentication system, classified in class 705, subclass 75.
 - IV. Claims 52-54, drawn to a gift card, classified in class 705, subclass 14.

7. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as a point of sale device and transaction system. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

8. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions serve distinct purposes by enabling an point of sale transaction and by authenticating user identification.
9. Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions enabling a point of sale transaction and by providing a gift card service.
10. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions serve distinct purposes by enabling an online transaction and by authenticating user identification.

11. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions enabling an online transaction and by providing a gift card service.
12. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions serve distinct purposes by authenticating user identification and by providing a gift card service.
13. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
 - (a) the inventions have acquired a separate status in the art in view of their different classification;
 - (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
 - (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
 - (d) the prior art applicable to one invention would not likely be applicable to another invention;
 - (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.
14. **Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.**
15. The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out

supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

16. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.
17. Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
18. During a telephone conversation with Kirby drake on 07 March 2008 a provisional election was made without traverse to prosecute the invention of group I, claims 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4, 9, 10, 11-21, 37-41, 47-51, 55, and 56 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
19. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
20. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected

process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

21. In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-10, 11-21, 37-41, 47-51, 55-56 are rejected under 35 U.S.C. 102(b) as being unpatentable over Iannacci (US PGP 2002/0062249 A1).

23. Claim 1:

Iannacci shown, discloses the following limitations:

- *server for accepting over a temporarily established communication connection from anyone of a plurality of users information specific to one of many merchants* (see at least page 1 paragraph 0004...the present invention relates to the fields of payment and settlement processing systems...for delivery to related parties to affect actions, transactions, and also user, consumer, merchant, award supplier, and payment and award issuer accounts)
- *said information including data specific to a unique POS location of one of said merchants* (see at least page 46 paragraph 0501....the universal account owner enters query transaction information such as, for example, benefit items, location, product identifiers, and dates for transmission to the universal server central controller)
- *means for coordinating said received information from a specific one of said users with information available to said server pertaining to said unique merchant location* (see at least page 10 paragraph 0127....merchant will enter account identifier and other transaction information into the conventional electronic payment network by whatever means for transmission and routing to the present invention's central processor system)
- *means for communicating at least a portion of said coordinated information to said one user over said temporarily established connection* (see at least page 10 paragraph 0127....merchant will enter the account identifier and other transaction information into the conventional electronic payment network (e.g., VisaNet, Automated Clearing House system) by whatever means)e.g., Internet connection, wireless broadcast, dedicated data Inc) for transmission and routing to the present invention's central processor system)

24. Claim 2:

Iannacci shown, discloses the following limitations:

- *cost information pertaining to said information obtained from said specific location* (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc...)

25. Claim 3:

Iannacci shown, discloses the following limitations:

- *means at said sever for accepting further information from said one user* (see at least page 10 paragraph 0129....the central processor also will determine if the resolved payment option (e.g., Visa account) is acceptable to the originating merchant otherwise a recursive processing loop will continue until a determined highest value benefit offer generates a resolved payment option acceptable to the merchant)
- *said further information comprising acceptance information* (see at least page 10 paragraph 0129....the central processor also will determine if the resolved payment option (e.g., Visa account) is acceptable to the originating merchant otherwise a recursive processing loop will continue until a determined highest value benefit offer generates a resolved payment option acceptable to the merchant)

26. Claim 4:

Iannacci shown, discloses the following limitations:

- *means at said server for coordinating payment to said one merchant from said one user* (see at least page 10 paragraph 0129....the central processor also will determine if the resolved payment option (e.g., Visa account) is acceptable to the originating merchant otherwise a recursive processing loop will continue until a

determined highest value benefit offer generates a resolved payment option acceptable to the merchant)

- *said payment based upon said information communicated to said user and said acceptance information from said user (see at least page 10 paragraph 0129....the central processor also will determine if the resolved payment option (e.g., Visa account) is acceptable to the originating merchant otherwise a recursive processing loop will continue until a determined highest value benefit offer generates a resolved payment option acceptable to the merchant)*

27. Claim 9:

Iannacci shown, discloses the following limitations:

- *establishing, under control of said customer at a POS terminal when purchase information is entered by said merchant at said POS terminal (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc...)*
- *temporary communication connection to a server independent from said merchant for coordinating pre-established payment options with respect to said purchase information (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc...)*
- *under control of said server and upon receipt of the location 1 D of said POS terminal and other information entered by said customer (see at least page 1 paragraph 0008....after receipt of the authorization code, the point-of-sale workstation often prints a sales draft or receipt. Thereafter, the cardholder signs the draft acknowledging their obligation to reimburse the credit card issuer for the amount of the transaction)*

- *providing to said merchant sufficient information to satisfy said merchant that said customer has arranged proper payment for said purchase (see at least page 1 paragraph 0008....after receipt of the authorization code, the point-of-sale workstation often prints a sales draft or receipt. Thereafter, the cardholder signs the draft acknowledging their obligation to reimburse the credit card issuer for the amount of the transaction)*

28. Claim 10:

lannacci shown, discloses the following limitations:

- *said payment sufficient information includes any payment reductions available under any affinity programs available to said customer (see at least page 11 paragraph 0148....present invention will not only determine what payment option to use that will secure the best benefits for the user, but also determine if there are any earned awards that may be redeemed during a transaction)*

29. Claim 12:

lannacci shown, discloses the following limitations:

- *verifying the identity of said recipient (see at least page 6 paragraph 0047....account identifier – an identification code assigned to any type of account for reference purposes.....the identification code may be indicated on various mediums such as, for example, a credit card account)*

30. Claim 13:

lannacci shown, discloses the following limitations:

- *identity of said recipient (see at least page 6 paragraph 0047....account identifier – an identification code assigned to any type of account for reference purposes.....the identification code may be indicated on various mediums such as, for example, a credit card account)*
- *verification that said recipient is a member of a particular group (see at least page 44 paragraph 0485...an option award activity includes information about*

the transaction in which universal account owner used his universal account at a point-of-sale purchase at a Sears store)

- *verification that said recipient is entitled to a particular service* (see at least page 44 paragraph 0485...the purchase amount or transaction amount was \$329.64 and was affected by an option offer in order to realize a low fixed interest rate of 2.35% APR using the Geneva Bank Master Card)
- *verification that said recipient is entitled entry to a particular event* (see at least page 38 paragraph 0432....system will certainly be able to retrieve and map an OPTION IDENTIFIER like "CASH-BACK-1" to its corresponding parameters, arguments, rules and conditions, and applicable updates and interactive events related to its data record)
- *verification that said recipient holds a valid license* (see at least page 6 paragraph 0047....any type of unique personal identification that allows a one-to-one correlation with any of various personal account identifiers...such as a valid license)
- *verification of payment information* (see at least page 1 paragraph 0008....after receipt of the authorization code, the point-of-sale workstation often prints a sales draft or receipt. Thereafter, the cardholder signs the draft acknowledging their obligation to reimburse the credit card issuer for the amount of the transaction)

31. Claim 15:

Iannacci shown, discloses the following limitations:

- *said verifying includes receipt of specific data from said recipient over an established communication connection* (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc...)

32. Claim 17:

Iannacci shown, discloses the following limitations:

- *identifying any said authorization with other programs pertaining to said recipient and said POS (see at least page 10 paragraph 0124....present invention will be connected with credit issuers, vendor house account programs, commercial payment plans, and others....users always receive the best selection among benefit options available at the time of the transaction)*

33. Claim 18:

Iannacci shown, discloses the following limitations:

- *loyalty, discount, coupons, points, licensing, organization membership (see at least page 10 paragraph 0124....present invention will be connected with credit issuers, vendor house account programs, commercial payment plans, and others....users always receive the best selection among benefit options available at the time of the transaction)*

34. Claim 19:

Iannacci shown, discloses the following limitations:

- *deducting from said payment amount any amount said recipient is entitled to under said identified other programs (see at least page 44 paragraph 0485...the purchase amount or transaction amount was \$329.64 and was affected by an option offer in order to realize a low fixed interest rate of 2.35% APR using the Geneva Bank Master Card)*

35. Claim 20:

Iannacci shown, discloses the following limitations:

- *communicating said entered information to said remote location over a communication path separate from said temporary established communication path (see at least page 1 paragraph 0007...merchant then processes the*

cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc., to the credit card issuer either directly through a network connection or indirectly through a credit card processing service)

36. Claim 21:

lannacci shown, discloses the following limitations:

- *associating any said coordination with any other programs pertaining to said recipient and said POS (see at least page 10 paragraph 0124...the present invention will be connected with credit card issuers, vendor house account programs, commercial payment plans, and others. Incentives and benefits offered by these companies and more will be continuously updating the present invention)*

37. Claim 37:

lannacci shown, discloses the following limitations:

- *entering information pertaining to said purchases at a point of sale (POS) terminal (see at least page 10 paragraph 0127....merchant will enter account identifier and other transaction information into the conventional electronic payment network by whatever means for transmission and routing to the present invention's central processor system)*
- *communicating over a temporarily established communication connection information unique to said user (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit transaction information such as the amount of the transaction, the credit card number, etc...)*
- *said information including the identity of said point of sale (POS) terminal (see at least page 1 paragraph 0007...merchant then processes the cardholder's credit card through a point-of-sale workstation which is configured to transmit*

transaction information such as the amount of the transaction, the credit card number, etc...)

- *comparing said information obtained over said temporarily established connection with stored information pertaining to said user and with said entered purchase information* (see at least page 45 paragraph 0491....a redeemable option items section displays accrued option item that the universal account owner possesses and may utilize in the transaction with merchant....it can be seen that the universal server has identified and recommended the use of both a 10% purchase discount)

38. Claim 38:

Iannacci shown, discloses the following limitations:

- *authorizing payment for said purchases based, at least in part, on said comparing* (see at least page 44 paragraph 0479....an authorization code and transaction information and transmit the same and possibly, the discounted price or the affected transaction amount to the merchant POS workstation)

39. Claim 40:

Iannacci shown, discloses the following limitations:

- *under control of said comparing, determining any special treatment due to said user based, at least in part, on said purchase information* (see at least page 45 paragraph 0491....a redeemable option items section displays accrued option item that the universal account owner possesses and may utilize in the transaction with merchant....it can be seen that the universal server has identified and recommended the use of both a 10% purchase discount and the redemption of 625 MyPoints reward points to affect the transaction amount)

40. Claim 41:

Iannacci shown, discloses the following limitations:

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- *said authorizing step includes deducting any amounts from said authorized payment due to any said determined special treatment (see at least page 45 paragraph 0491....a redeemable option items section displays accrued option item that the universal account owner possesses and may utilize in the transaction with merchant....it can be seen that the universal server has identified and recommended the use of both a 10% purchase discount and the redemption of 625 MyPoints reward points to affect the transaction amount)*

41. Claim 48:

Iannacci shown, discloses the following limitations:

- *payment validation (see at least page 1 paragraph 0008....after receipt of the authorization code, the point-of-sale workstation often prints a sales draft or receipt. Thereafter, the cardholder signs the draft acknowledging their obligation to reimburse the credit card issuer for the amount of the transaction)*

Claim Rejections - 35 USC § 103

42. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

43. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

44. Claims 11, 14, 16, 39, 47, 49-51, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iannacci (US PGP 2002/0062249 A1) in view of Ginter et al. (US PGP 2006/0248016 A1).

45. **Claim 11:**

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *at a point of sale (POS) associated with said transaction, entering information pertaining to said transaction (see at least page 18 paragraph 0400...transaction authority may assist the electronic mail order company to coordinate activities and make sure that all steps required to deliver the sweater)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the processing of transaction purchase information at a POS because this ensures proper processing of purchase and or transaction.

- *said information being independent of identification of a recipient of said transaction (see at least page 18 paragraph 0400...transaction authority may assist the electronic mail order company to coordinate activities and make sure that all steps required to deliver the sweater)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the information independent of recipient...transaction information with the shipping information because this would ensure recipient receives purchased merchandise.

- *establishing a temporary communication connection from a device uniquely associated with said recipient to a location remote from said point of sale (POS)*

(see at least page 5 paragraph 0110....the Distributed Commerce Utility is especially useful to support the Internet and other electronic environments that have distributed information creators, users and service providers)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine a temporary connection for recipient with connection being remote from POS location because this would ensure recipient transactions via Internet or other electronic environments.

- *identifying said point of sale (POS) location via said device and an established communication connection* (see at least page 18 paragraph 0400....transaction authority may assist the electronic mail order company to coordinate activities and make sure that all steps required to deliver the sweater)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the POS location and the identified established communication connection because this provides an exact location where transaction occurs.

- *coordinating said identified point of sale (POS) location with said entered information* (see at least page 18 paragraph 0400....transaction authority may assist the electronic mail order company to coordinate activities and make sure that all steps required to deliver the sweater)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the POS location and information pertaining to purchase because this ensures the accurate processing of transaction.

46. Claim 14:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *verifying under control of said remote location the acceptance by said recipient of said coordinated information* (see at least page 63 paragraph 1149....the online service sends a secure container to the customer indicating that payment has been accepted)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the verification of information under control of remote location with information being sent to recipient because this ensures recipient receives transaction information.

47. Claim 16:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *authorizing, under at least partial control of said remote location, payment by a third party to said enterprise associated with said POS (see at least page 16 paragraph 0372....financial clearinghouse may receive payment information from protected processing environment in these secure containers and interact electronically or otherwise with various banking, credit card or other financial institutions to ensure that appropriate payment is made)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the authorization of payment to an enterprise associated with a POS location because this would ensure payment to enterprise and the completion of transaction.

- *amount of said payment identified by said entered information (see at least page 28 paragraph 0609....a secure protected processing environment at the consumer site keeps track of payment, usage and other information)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the amount of payment with entered information because this would ensure a complete processing of a purchase transaction.

48. Claim 39:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *said payment is by at least one third party (see at least page 16 paragraph 0372....financial clearinghouse may receive payment information from protected processing environment in these secure containers and interact electronically or*

otherwise with various banking, credit card or other financial institutions to ensure that appropriate payment is made)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the processing of transaction with a payment being received by a third party because this would ensure payment to merchandiser/retailer.

49. Claim 47:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *first device for delivering POS information to said system* (see at least page 10 paragraph 0266...appliance may be any sort of electrical or electronic device such as for example, a computer)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for delivering POS information with a first device because this identifies the location where transaction occurs.

- *said information pertaining to said transaction* (see at least page 18 paragraph 0400....transaction authority may assist the electronic mail order company to coordinate activities and make sure that all steps required to deliver the sweater)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the received information with a transaction because this would ensure the proper processing of transaction.

- *second device for establishing a temporary communication connection from said second device to said system* (see at least page 10 paragraph 0266....the consumer appliance is a home color television set, a video player/recorder, and set top box)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the processing of a transaction with the use of a second device because this would ensure another way of processing transactions electronically.

50. Claim 49:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *discounts unique to said second device* (see at least page 18 paragraph 0399.... the consumers can use their remote control to select the particular seller, style and color of a sweater they want to order at a particular price....special and or discounted price)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the process of purchasing via a second device utilizing special prices and or discounts because this would secure the processing of a transaction in an environment such as a home.

51. Claim 50:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *means for coordinating information from said first and second devices with information from other sources* (see at least page 19 paragraph 0410....transaction authority may be used for all kinds of different process control and automation such as, for example, handling electronic orders and sales, electronic data interchange)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the transaction data information coordinated between a second device and a first device because this would ensure that transaction data is shared creating an adequate transaction system.

52. Claim 51:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *means for storing certain of said information from said first device and certain of said information from said second device in at least one database on a transaction by transaction basis for subsequent use in other transactions involving said second device (see at least page 19 paragraph 0410....transaction authority may be used for all kinds of different process control and automation such as, for example, handling electronic orders and sales, electronic data interchange)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the means for storing data of a first device and second device in a database on a transaction by transaction basis for subsequent use in other transactions related to second device because this ensures an environment where transaction data can be shared for later use.

53. Claim 55:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *entering, at a POS terminal, information identifying a wireless device of a customer (see at least page 10 paragraph 0266...appliance may be any sort of electrical or electronic device such as for example, a computer and or phone)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the entering of information at a POS terminal identifying a wireless device of a customer because this would ensure a definite identification of the customer involved in transaction.

- *further entering at said POS information pertaining to credit/debit/stored value cards/cash/ACH desired to be used by said customer in conjunction with said identified wireless device (see at least page 26 paragraph 0581....supporting the ability for distributed clearinghouse protection processing environments to*

operate in conjunction with one or more capabilities described above - on portable devices such as smart cards where cellular or land-line is used)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the entering of information at POS pertaining to the type of card consumer chooses to use via a wireless device because this secures the handling and or processing of purchase/transaction.

- *allowing said customer to make purchases at one or more POS locations under control of a temporary communication connection established at a POS from said identified wireless device (see at least page 26 paragraph 0581....supporting the ability for distributed clearinghouse protection processing environments to operate in conjunction with one or more capabilities described above - on portable devices such as smart cards where cellular or land-line is used....communication means support on-line or asynchronous communication of information related to a current or an plural transactions)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability for consumer to make multiple purchases at various POS locations using a wireless device because this provides an environment where consumers are able to make multiple purchases in an efficient manner.

- *said communication allowing said customer to transmit a location ID of said POS as well as other acceptance information to satisfy a merchant that said merchant will be paid for said purchase (see at least page 16 paragraph 0372....financial clearinghouse may receive payment information from protected processing environment in these secure containers and interact electronically or otherwise with various banking, credit card or other financial institutions to ensure that appropriate payment is made)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the environment where consumer makes purchases at an identified POS location

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transmitting acceptance information for that purchase because this ensure that the merchant will be paid for the merchandise received.

54. Claim 56:

Iannacci discloses the limitations as shown in the rejections above. Iannacci does not disclose the following limitations, but Ginter et al. however as shown does:

- *allowing said customer to instantly become enrolled in said merchant's programs*
(see at least page 8 paragraph 0177...providing object registry services; and/or rights, permissions, prices, and/or rules and controls information; for registered and/or registering objects...such as employment and or group membership....e.g.,...warehouse merchandiser)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the process of consumer making a purchase with an instant enrollment as a result of that purchase because this would ensure consumer the benefit of membership in merchant programs.

CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-272-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571-270-6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

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/ Michael Cranford / Examiner / Art Unit 4143 /

March 14, 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143